



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

January 12, 2015

VIA OVERNIGHT DELIVERY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

***In the Matter of Petition of Time Warner Cable Inc. For Immediate Stay of Local Rate Order,
filed January 8, 2015.***

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.45(d), the Massachusetts Department of Telecommunications and Cable (MDTC) hereby responds to Time Warner Cable Inc.'s (Time Warner) Petition for Immediate Stay of Local Rate Order, filed on January 8, 2015 (Petition for Stay). Specifically, the MDTC does not oppose a temporary delay in Time Warner's implementation of refunds, but objects to Time Warner's claimed grounds for a stay.

Time Warner appealed the MDTC's November 26, 2014, Rate Order to the FCC on December 29, 2014 (Appeal). On January 12, 2015, the MDTC opposed Time Warner's Appeal because the MDTC had a reasonable basis for its conclusions in the Rate Order. In its Petition for Stay, Time Warner requested a stay of the Rate Order pending the FCC's ruling on the Appeal. Although the MDTC expects that the FCC will deny Time Warner's Appeal, the MDTC does not oppose a temporary delay in Time Warner's implementation of the refunds ordered by the MDTC in its Rate Order, pending the FCC's ruling on the Appeal. However, given that the MDTC had a reasonable basis for its conclusions in the Rate Order, Time Warner's claims in its Petition for Stay with regards to its likelihood of success on the merits of the Appeal are unavailing and should be rejected or disregarded by the FCC in any finding the FCC makes with respect to the Petition for Stay.

Please contact me directly at (617) 368-1161 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sean M. Carroll", written over a horizontal line.

Sean M. Carroll, Hearing Officer
Legal Division

cc: Katie Costello, Policy Division, Media Bureau, Federal Communications Commission
Seth A. Davidson, Mintz Levin Cohn Ferris Glovsky and Popeo PC
Ari Z. Moskowitz, Mintz Levin Cohn Ferris Glovsky and Popeo PC
Counsel for Time Warner Cable Inc.
John Fogarty, Vice President & Assistant Chief Counsel, Time Warner Cable Inc.

CERTIFICATE OF SERVICE

I, Sara Clark, do hereby certify on this 12th day of January, 2015, that a true and correct copy of the foregoing response to Time Warner Cable Inc.'s Petition for Stay of Local Rate Order has been sent via U.S. mail, postage prepaid, to the following:

Katie Costello
Federal Communications Commission
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Sara Clark